IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 200 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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PALJIBHAI PREMJIBHAI CHAVDA

Versus

STATE OF GUJARAT

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Appearance:

1. Special Criminal Application No. 200 of 2003

MR RASIK V MANDANI for Petitioner No. 1

MR KODEKAR, APP for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2

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CORAM : HON'BLE MR.JUSTICE R.P.DHOLAKIA

Date of decision: 28/08/2003

ORAL JUDGEMENT

#. Rule. Mr.Kodekar, learned APP, waives service of

rule for the respondent - State.

#. Heard the learned counsel for the petitioner and Mr.Kodekar, learned APP, for the State. I.O. is also present.

#. Heinous crime alleged to have taken place in the month of November 2002 and for that the complaint has been lodged in Danilimda Police Station, which is registered as I CR No.162 of 2002 on 13.11.2002 under Sections 302, 209 and 34 of IPC. The police has started the investigation, which is going on till today.

#. Being dissatisfied by the investigation, the father of the victim has filed the present petition into the Court through his advocate and requested this court that investigation may be transferred either to the CBI or another agency only on the ground that though the local police has tried, but, they could not trace out the accused or are not in a position to reach to the root of the offence. Therefore, notices were issued to the other-side. Mr.Kodekar, learned APP, drawn my attention that investigation is sincerely going on since long and that investigating agency has recorded statements of more than 110 witnesses; even the investigating agency has also taken the help of the father of the victim, i.e. the petitioner and even the matter has been investigated as per the line shown by the father of the victim. However, the fact remains that the crime is not detected till today though sincere efforts have been made by the investigating agency of Danilimda Police Station.

#. Looking to the seriousness of the offence, the crime is required to be detected, and, therefore, in the interest of justice, without saying anything against the investigating agency, as, they have tried their level best in investigating the case, the case is required to be transferred to the State C.I.D. Crime, Gandhinagar for investigation, and, therefore, I pass the following order.:

Investigation of Complaint, being I CR No.162 of 2002 registered on 13.11.2002 with Dani Limda Police Station, is transferred to the State C.I.D. Crime, Gandhinagar and same shall be completed within a period of six months from the date of receipt of this order.

#. Copy of this order be given to the learned APP for the purpose of forwarding the same to (1) the State C.I.D.Crime, Gandhinagar, (2) Home Department and (3) the Commissioner of Police, Ahmedabad.

#. Thus, this petition is allowed accordingly. Rule is made absolute. Direct service is permitted.

(R.P.Dholakia,J)
(pathan)